

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

The meeting was opened at 7:30 p.m. with the Pledge of Allegiance led by Mayor Kulpa.

Present: Brian J. Kulpa, Mayor
Basil J. Piazza, Trustee
Christopher J. Duquin, Trustee
Daniel O. DeLano, Trustee
John "Al" Yates, Trustee

Also present: Lynda L. Juul, Administrator/Clerk-Treasurer
Deborah A. Habes, Deputy Clerk
Charles Specht, Director of Community Development
Charles D. Grieco, Village Attorney
Ben Vilonen, DPW Crew Chief

Excused: Judy A. Kindron, Deputy Treasurer

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve the minutes of the regular meeting held on January 26, 2015, as submitted.

Unanimously carried.

<p style="text-align: center;">Public Hearing Continued at 7:31 p.m. – Re: Zoning Modifications</p>

No one from the audience spoke.

The Public Hearing was held open and will be re-noticed.

<p style="text-align: center;">Public Hearing Re: Removal of one-hour parking on east side of Highland Dr.</p>
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ON MOTION by Trustee DeLano, seconded by Trustee Duquin, it was moved to open the public hearing at 7:35 p.m.

Unanimously carried.

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This is for a proposed modification to Chapter 103-17 (Vehicles and Traffic) to remove 1-hour parking on the east side of Highland Drive.

The Administrator read aloud the legal notice of the public hearing as it appeared in the January 28, 2015 Amherst Bee.

No one from the audience addressed the Board.

Trustee Piazza commented that parking was being removed as it was a safety issue for fire apparatus to maneuver down the street when cars were parked there.

ON MOTION by Trustee DeLano, seconded by Trustee Duquin, it was moved to close the public hearing at 7:38 p.m.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to open the public participation portion of the meeting.

Unanimously carried.

The following member(s) of the audience addressed the Board [*Village Board responses/comments are in italics*]:

1. *Tom Pilat, Shabby Chic Boutique, 5544 Main St. – Asked when HAWK signal will be installed; Believes that the installation of the HAWK signal is of paramount importance for pedestrian safety and walkability in the Village; [Mayor Kulpa stated that it is out for engineering bidding now. Would love to start in the fall of 2015. Trustee Duquin stated the only holdup would be NYSDOT and if they let us do it this year.]*

2. *Tom Frank, 5403 Main St. – Town of Amherst Comprehensive Plan. [Trustee Duquin stated the Town Board is discussing the topic tonight. It is in their hands.]; Power Authority Re-licensing.*

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to close the public participation portion of the meeting.

Unanimously carried.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to approve the agenda as written due to the extreme cold weather and the need to hold an Executive Session this evening.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that payroll and vouchers in the amount of **\$432,584.76** covering the period from **1/22/15 to 2/18/15** are hereby approved as follows:

Payroll covering: 1/12/15 –1/25/15: \$35,204.79

Payroll covering: 1/26/15 –2/8/15: \$34,095.28

Vouchers covering 1/22/15 – 2/4/15:

General Fund	\$42,121.72
Water Fund	\$0.00
Sewer Fund	\$1,372.58
Glen Park Fund	\$0.00
Trust & Agency Fund	\$15,939.81
Debt Service	\$0.00
Community Development	\$0.00
Capital Fund	<u>\$33,188.40</u>
	<u>\$92,622.51</u>

Vouchers covering 2/5/15 – 2/18/15:

General Fund	\$77,441.46
Water Fund	\$0.00
Sewer Fund	\$1,126.31
Glen Park Fund	\$298.75
Trust & Agency Fund	\$10,976.68
Debt Service	\$180,775.00
Community Development	\$0.00
Capital Fund	<u>\$43.98</u>
	<u>\$270,662.18</u>

GRAND TOTAL: **\$432,584.76**

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Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that the following ***budget transfers*** are hereby made in the ***General Fund*** for the ***2014-2015*** fiscal year:

To:	001-3410-4160-3405 (Fire Protection-Truck Expense/Rescue 5)	\$27.00
	001-3410-4160-3404 (Fire Protection-Truck Expense/Rescue 4)	\$165.00
	001-3410-4160-3451 (Fire Protection-Truck Expense/Utility 5-1)	\$165.00
From:	001-3410-4160 (Fire Protection-Truck Expense)	\$357.00
To:	001-3410-4160-3491 (Fire Protection-Truck Expense/9-1 Chief's Truck)	\$7,622.00
From:	001-3410-4160 (Fire Protection-Truck Expense)	\$7,622.00
To:	001-1620-4260 (Buildings-Maint. Supplies)	\$9.00
From:	001-1620-4230 (Buildings-Bldg. Maint.)	\$9.00
To:	001-1640-4161 (Central Garage-Sm. Engine Repairs)	\$281.00
	001-1640-4450 (Central Garage-Misc.)	\$114.00
From:	001-1640-4160 (Central Garage-Building Repairs/Maint.)	\$395.00
To:	001-3620-4100 (Safety Inspection-Professional Fees)	\$5202.00
From:	001-3620-1000 (Safety Inspection-Personal Services)	\$5202.00
To:	001-5110-4000 (Street Maint.-Seasonal Help)	\$1235.00
From:	001-5110-1000 (Street Maint.-Personal Services)	\$1235.00
To:	001-5110-4161-0902 (Street Maint.-Repairs/2002 Int'l Dump)	\$4367.00
	001-5110-4161-0905 (Street Maint.-Repairs/2007 Int'l Dump)	\$2324.00
	001-5110-4161-0906 (Street Maint.-Repairs/2007 Int'l Dump)	\$3.00
	001-5110-4161-0907 (Street Maint.-Repairs/1992 Autocar Dump)	\$25.00
	001-5110-4161-0908 (Street Maint.-Repairs-2011Chevy Silverado)	\$34.00
	001-5110-4161-0910 (Street Maint.-Repairs/2009 Ford F350)	\$50.00
	001-5110-4161-0912 (Street Maint.-Repairs/2012 CAT Hi-Lift)	\$67.00
	001-5110-4161-0914 (Street Maint.-Repairs/2001 Sidewalk Plow)	\$365.00
	001-5110-4161-0916 (Street Maint.-Repairs/2012 Chevy 2500 HD)	\$679.00
	001-5110-4161-0918 (Street Maint.-Repairs/2010 Ford F350 XL Pickup)	\$26.00
	001-5110-4161-0919 (Street Maint.-Repairs/2007 Chevy 4x4 w/plow)	\$685.00
From:	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$8625.00
To:	001-7110-2010 (Parks-Capital Improvements)	\$1344.00
	001-7110-4161 (Parks-Repair Lights)	\$1378.00
	001-7110-4450 (Parks-Misc.)	\$75.00
From:	001-7110-2000 (Parks-Equip.)	\$1344.00

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

	001-7110-4162 (Parks-Repairs/Pools)	\$500.00
	001-7110-4165 (Parks-Repairs/Shelter Maint.)	\$500.00
	001-7110-4350 (Parks-Pool Supplies)	\$453.00
To:	001-7310-1001 (Youth Programs-Personal Services/OT)	\$43.00
From:	001-7530-1001 (Village Meeting House-Personal Services/OT)	\$43.00
To:	001-7310-4172 (Youth Programs-Holiday Tree Lighting)	\$1995.00
From:	001-7310-4170 (Youth Programs-Community Events)	\$395.00
	001-7310-4171 (Youth Programs-Halloween Parade)	\$275.00
	001-7310-4173 (Youth Programs-Winterfest)	\$550.00
	001-7310-4176 (Youth Programs-Youth Hockey Tournament)	\$575.00
	001-7310-4180 (Youth Programs-Kids Day at Oktoberfest)	\$200.00
To:	001-7530-4230 (Village Meeting House-Maint.)	\$43.00
	001-7530-4450 (Village Meeting House-Misc.)	\$25.00
	001-7530-4990 (Village Meeting House-Repairs)	\$149.00
From:	001-7530-2040 (Village Meeting House-Capital Reserve)	\$605.00
To:	001-7550-4960 (Celebrations-Committee Appreciation)	\$100.00
	001-7550-4975 (Celebrations-Main Street Block Party)	\$108.00
From:	001-7550-4980 (Celebrations-Oktoberfest)	\$100.00
	001-7550-4530 (Celebrations-Garden Walk)	\$72.00
	001-7550-4990 (Celebrations-Barricades/Detour Signs)	\$36.00
To:	001-8162-4161 (Leaf Pickup-Repairs)	\$736.00
From:	001-8162-4260 (Leaf Pickup-Maint. Supplies)	\$400.00
	001-5110-4161 (Street Maint.-Repairs/Equip.)	\$336.00
To:	001-8162-1000 (Leaf Pickup-Personal Services)	\$2524.00
From:	001-8163-1000 (Trash Pickup-Personal Services)	\$2524.00

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that the following *budget transfer* is hereby made in the *Sewer Fund* for the *2014-2015* fiscal year:

To:	001-8120-1001 (Sanitary Sewers-Personal Services/OT)	\$543.00
From:	001-8120-1000 (Sanitary Sewers-Personal Services)	\$543.00

Unanimously carried.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that the following *budget amendment* is hereby made in the *General Fund* for the **2014-2015** fiscal year to account for payment from the Jolly Boys received on 12/31/14 for 2014 Old Home Days:

Increase:	001-0001-2750 (Old Home Days)	\$860.00
Increase:	001-7550-4410 (Celebrations-Old Home Days)	\$860.00

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that the following *budget amendment* is hereby made in the *Water Fund* for the **2014-2015** fiscal year to account for interest and penalty charges received to cover postage expenses:

Increase:	006-0006-2148 (Interest & Penalty on Water Rents)	\$484.00
Increase:	006-8340-4020 (Water Transmission-Postage)	\$484.00

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

WHEREAS, Governor Andrew Cuomo and the New York State Legislature enacted the Property Tax Freeze Credit to provide property tax refunds to homeowners as part of the 2014-2015 State Tax Budget; and

WHEREAS, the new law encourages local governments to generate long-term tax-relief for taxpayers by sharing services, consolidating or merging, and demonstrating and implementing operational efficiencies; and

WHEREAS, in year one of the program, which is 2015-2016 for local governments, homeowners will receive the Freeze Credit if their local government stays within the property tax cap; and

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

WHEREAS, in year two of the program, which is 2016-2017 for local governments, homeowners will receive the Freeze Credit for property taxes from any taxing jurisdiction in which the homeowner resides that stays within the property tax cap and puts forward a State-approved Government Efficiency Plan demonstrating savings equivalent to one percent of their property tax levies in each of the following three years; and

WHEREAS, while local governments may take a variety of approaches to develop their Government Efficiency Plans, the State has strongly encouraged they convene and facilitate a process to develop and submit county-wide Government Efficiency Plans; and

WHEREAS, as exemplified in the recent establishment of the Buffalo Erie Niagara Land Improvement Corporation in 2012, this community has a history of receiving recognition by the State for demonstrating successful regional collaborations involving many municipalities; and

WHEREAS, Erie County has offered to coordinate the development of such Government Efficiency Plans as the “lead agency” on behalf of all other interested municipalities; and

WHEREAS, the Village of Williamsville is interested in intergovernmental cooperation with Erie County and other municipalities in submitting a county-wide Government Efficiency Plan and desires to memorialize its intention to participate in a coordinated Plan to allow its homeowners to receive the Freeze Credit.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Williamsville seeks to ensure that Village homeowners will receive the Freeze Credit as part of this new State law; and

BE IT FURHER RESOLVED, that the Williamsville Village Board will not exceed its designated property tax cap for fiscal year 2015-2016 and memorializes that it has no intention of exceeding the cap for fiscal year 2016-2017, which if exceeded would disqualify the Village from participation in the Property Tax Cap Freeze Credit program; and

BE IT FUTHER RESOLVED, that the Williamsville Village Board does hereby express its support for, and participation in an Erie County-wide Government Efficiency Plan; and

BE IT FURTHER RESOLVED, that the Williamsville Village Board urges the New York State Division of the Budget to approve Erie County’s coordinated Government Efficiency Plan with local governments with the understanding that the Village has played an active role in the identification

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

of pre-existing and implementation of new shared services, consolidations or merges, and operational efficiencies within the Village of Williamsville for inclusion in the county-wide plan; and

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Association of Erie County Governments.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

WHEREAS, the New York State Department of Transportation (NYSDOT) has implemented a web based reporting system called Equitable Business Opportunities (EBO) to streamline and satisfy the Title VI Civil Rights Reporting requirements for Federal-Aid locally sponsored contracts; and

WHEREAS, NYSDOT requires each local municipality as a sub-recipient to NYSDOT of Federal funds and sponsor of Federal-Aid Contracts to identify a single primary user in order to access and use the system for Title VI compliance reporting requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Williamsville identifies the Village Administrator as the Village's Responsible Local Official authorized to access the EBO system.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

**VILLAGE OF WILLIAMSVILLE
SEQRA DETERMINATION FOR
S. LONG STREET
GREEN RECONSTRUCTION PROJECT**

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

WHEREAS, the Village Board of the Village of Williamsville (the "Board") has been awarded a grant from the New York State Green Innovation Grant Program (GIGP) in connection with the proposed S. Long Street Green Reconstruction Project, which will involve the narrowing of a portion of S. Long Street between Garden Pkwy Extension and Village Square Lane bordering S. Long Park, the replacement of the existing road pavement, and the installation of green infrastructure elements, including tree planting with bio-retention planters/rain gardens, bedrock injection wells and certain areas of permeable pavement to reduce the amount of storm water runoff, improve water quality and enhance the visual environment (the "Project"); and

WHEREAS, the Board has reviewed the Green Infrastructure Feasibility Study prepared by DiDonato Engineering & Design Professionals and has further consulted with its engineering consultant and legal counsel with respect to the potential for environmental impacts resulting from the Project; and

WHEREAS, the Board has reviewed the Project with respect to the Type II criteria set forth in 6 NYCRR 617.5 and has concluded that the work involves:

- Maintenance or repair involving no substantial changes in an existing structure or facility (6 NYCRR §617.5(c)(1))
- Replacement, rehabilitation or reconstruction of infrastructure or facility, in kind, on the same site, including upgrading buildings and sewer infrastructure (6 NYCRR §617.5(c)(2));
- Repaving of existing highways not involving the addition of new travel lanes (6 NYCRR §617.5(c)(4));
- Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities (6 NYCRR §617.5(c)(5));
- Extension of utility distribution facilities, including sewer connections, in connection with any Type II activity (6 NYCRR §617.5(c)(11)); and

WHEREAS, actions or classes of actions listed in the State Environmental Quality Review Act ("SEQRA") regulations as Type II have been "determined not to have a significant impact on the environment" and "are not subject to review" under SEQRA (6 NYCRR § 617.5(a));

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Project as contemplated constitutes a Type II action in accordance with the SEQRA regulations and therefore has been determined not to have a significant impact on the environment (and that any such impacts are expected to be environmentally beneficial).
2. No further review of the Project is required under SEQRA.

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

3. A copy of this resolution shall be forwarded to the New York State Environmental Facilities Corporation and any and all other interested and involved agencies.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that *Susan Palmer of 81 S. Ellicott St., Williamsville*, is hereby appointed to the *Historic Preservation Commission* to fill the unexpired term of Penny Armitage, until the end of the **2017-2018** official Village year.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that *Mary E. Lowther of 120 N. Ellicott St., Williamsville*, is hereby appointed to the *Historic Preservation Commission* to fill the unexpired term of Patricia Fulwiler, until the end of the **2017-2018** official Village year.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

WHEREAS, the Village of Williamsville has applied for a grant through the Environmental Facilities Corporation (EFC) for a green infrastructure project on S. Long Street, and has been awarded such grant in the amount of \$1,093,000.00;

NOW, THEREFORE, BE IT RESOLVED, that Brian Kulpa, as Mayor of the Village of Williamsville, is hereby authorized to enter into and execute a project agreement with the State of New York for such financial assistance to the Village of Williamsville for the proposed S. Long Street project; and

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

BE IT FURTHER RESOLVED, that the Village of Williamsville hereby acknowledges that it is responsible for a minimum 10% match toward the total cost of the project.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, the following resolution was adopted:

RESOLVED, that the letter agreement from Jaeckle Fleischman & Mugel related to legal expenses for the EFC Grant for South Long Street is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to sign that letter agreement.

Unanimously carried.

Village Board Reports

Mayor Kulpa - No report

Trustee DeLano - Success of this year's Winterfest - Thanked the Youth & Recreation Committee for the good job they did on it.

Trustee Piazza - No report

Trustee Duquin - No report

Trustee Yates - Thanked Deb Habes and all the other volunteers for the success of this year's *Love Your Village; Love Your Library Mad Hatter Gala Fundraiser* to benefit the Williamsville Branch of the Amherst Public Libraries.

Staff Report(s)

Administrator Juul - No report

Deputy Clerk Habes - No report

Community Development Director Specht - No report

Minutes of the regular meeting of the Village of Williamsville Board of Trustees held at Village Hall, 5565 Main Street, Williamsville, New York, on Monday, February 23, 2015 at 7:30 p.m.

DPW Crew Chief Vilonen - Announced that the State will be clearing/reducing snow piles from the right-of-way on Main Street in the near future.

ON MOTION by Mayor Kulpa, seconded by Trustee Duquin, it was moved to leave the regular agenda at 7:46 p.m. to open the Executive Session to discuss a personnel matter.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to close the Executive Session and return to the regular agenda at 8:00 p.m.

Unanimously carried.

ON MOTION by Mayor Kulpa, seconded by Trustee Yates, it was moved to adjourn the regular meeting at 8:00 p.m.

Unanimously carried.

Lynda L. Juul
Administrator/Clerk-Treasurer